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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MCANULTY, TIMOTHY P	
ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,470

Applicant(s)

YOUNG, JAMES D.

Examiner

Timothy P McAnulty

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8, 11-18, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3, 4. 6) ☐ Other: \_\_\_\_\_

Art Unit: 3682

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Embodiment I - Figure 1,

Embodiment II - Figure 4,

Embodiment III - Figure 5A,

Embodiment IV - Figure 6A,

Embodiment V - Figure 7A.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Steven Haas on 12 February 2003 a provisional election was made without traverse to prosecute the invention of Embodiment I - Figure 1, claims 1-7,9,10, and 19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8,11-18,20 and 21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Information Disclosure Statement***

3. The information disclosure statement filed 23 April 2002 contains reference US Patent No. 5,318,482 to Sato et al. and US Patent No. 5,820,502 to Schulze both of which were previously contained in the information disclosure statement filed 16 November 2001. Accordingly, reference US Patent No. 5,318,482 to Sato et al. and US Patent No. 5,820,502 to Schulze contained in the information disclosure statement filed 23 April 2002 have been lined through.

#### ***Claim Objections***

4. Claim 6 is objected to because of the following informalities: in line 4 of claim 6, "is" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-5, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al.

Sato et al. discloses in figure 7, a chain guide apparatus comprising a support bracket having a support surface and a guide blade made of plastic having a first end, a hook-shaped portion 48 at said first end including a rib 49 which spans a space defined by said hook-shaped portion, and a male connector 46 which engages an aperture 40 formed within said support surface of said support bracket, wherein said guide blade is inherently selectively movable slidably on said support surface between a first position and a second position such that said guide blade is separable from said support bracket at said first position and fixedly secured to said support bracket at said second position.

7. Claims 1-2, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Moretz.

Moretz discloses in figure 3, a chain guide apparatus comprising a support bracket having a support surface and a guide blade made of plastic having a first end, a hook-shaped portion at said first end, a male connector 36 which engages an aperture 46 having an enlarged head

Art Unit: 3682

portion relative to a leg portion formed within said support surface of said support bracket, and a locking nib 38 which engages said support bracket, wherein said guide blade is inherently selectively movable slidably on said support surface between a first position and a second position such that said guide blade is separable from said support bracket at said first position and fixedly secured to said support bracket at said second position.

8. Claims 1-5,9, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Markley et al.

Markley et al. discloses in figures 4-7, a chain guide apparatus comprising a support bracket having a support surface and a guide blade made of plastic having a first end, a hook-shaped portion 74C at said first end including a rib (not numbered) which spans a space defined by said hook-shaped portion, a male connector 74B which engages an aperture 82B formed within said support surface of said support bracket, and a locking nib 74A which engages said support bracket, wherein said guide blade is inherently selectively movable slidably on said support surface between a first position and a second position such that said guide blade is separable from said support bracket at said first position and fixedly secured to said support bracket at said second position.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moretz in view of Sato et al.

Moretz discloses the basic apparatus as previously cited but does not disclose a rib which spans a space defined by said hooked-shaped portion. However, Sato et al. teaches in figure 7, a chain guide apparatus comprising a guide blade having a hooked-shaped portion at one end thereof and a rib which spans a spaced defined by said hooked-shaped portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Moretz in view of the teachings of Sato et al. to include a rib which spans a space defined by said hooked-shaped portion so as to provide a positive mechanical engagement and alignment of said first end.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moretz in view of Sato et al. as applied to claims 3-5 and 9 above, and further in view of Bloom et al.

Moretz in view of Sato et al. discloses the basic apparatus as previously cited but does not disclose said aperature having a first portion and a second portion wherein said first portion is sized to receive an enlarged head of male connector and said second portion is sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough. However, Bloom et al. teaches in figure 1, a connection apparatus comprising a male connector 29 of a first piece having an enlarged head relative to a leg portion and an aperture 22b of a second piece having a first portion sized to receive said head enlarged head portion and a second portion sized to receive said leg portion and further sized to prohibit said head portion from passing through said second portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

Art Unit: 3682

apparatus of Moretz in view of the teachings of Bloom et al. to include an aperture having a first portion and a second portion wherein said first portion is sized to receive an enlarged head of male connector and said second portion is sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough to provide a mechanically stable and easily connectable connection between said guide blade and said support bracket whilst eliminating cumbersome maneuvering of said guide blade relative to said support bracket and thus improve the connectability of said guide blade and said support bracket especially.

12. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. in view of Meyers.

Sato et al. discloses the basic apparatus as previously cited but does not disclose said male connector having an enlarged head relative to a leg portion thereof nor does Sato et al. disclose said aperture having a first portion sized to receive an enlarged head of male connector and having a said second portion sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough. However, Meyers teaches in figure 11, a key-hole slot arrangement located in a first member and a male connector located on a second member such that said male connector engages said key-hole slot such that an enlarged head of said male connector is received in a first portion of said key-hole slot and a leg portion of said male connector which is smaller than said enlarged head portion engages a second portion of said key-hole slot such that said second portion prohibits said enlarged head portion from passing therethrough. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Sato et al. to include



Art Unit: 3682

a key-hole slot and male connector having an enlarged head portion and a leg portion so as to provide a mechanically stable and easily releasable connection between a first member and a second member wherein said second member is subject to greater wear than said first member and requires replacement more frequently than said first member for proper operation of both said first member and said second member.

13. Claims 6,7,9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. in view of Bloom et al.

Sato et al. discloses the basic apparatus as previously cited but does not disclose said male connector having an enlarged head relative to a leg portion thereof nor does Sato et al. disclose said aperture having a first portion sized to receive an enlarged head of male connector and having a said second portion sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough. However, Bloom et al. teaches in figure 1, a connection apparatus comprising a male connector 29 of a first piece having an enlarged head relative to a leg portion and an aperture 22b of a second piece having a first portion sized to receive said head enlarged head portion and a second portion sized to receive said leg portion and further sized to prohibit said head portion from passing through said second portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Moretz in view of the teachings of Bloom et al. to include an aperture having a first portion and a second portion wherein said first portion is sized to receive an enlarged head of male connector and said second portion is sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough to provide a mechanically stable and easily connectable

Art Unit: 3682

connection between said guide blade and said support bracket whilst eliminating cumbersome maneuvering of said guide blade relative to said support bracket and thus improve the connectability of said guide blade and said support bracket especially.

Regarding claims 9 and 10, Bloom et al. further teaches in figure 1 and in lines 25-55 of column 3, a locking nib 34 located within said aperture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a locking nib on said guide blade to resist movement of said guide blade relative to said support bracket and thus increase safety by reducing unwanted movement between said guide blade and said support bracket.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following pates are cited to further show the state of the art regarding chain guide apparatus in general:

US Patent No. 5,005,304 to Briscoe et al.

US Patent No. 3,490,302 to Turner et al.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

Art Unit: 3682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm

February 20, 2003

*William C. Joyner* 2/21/03  
**William C. Joyner**  
**Patent Examiner**